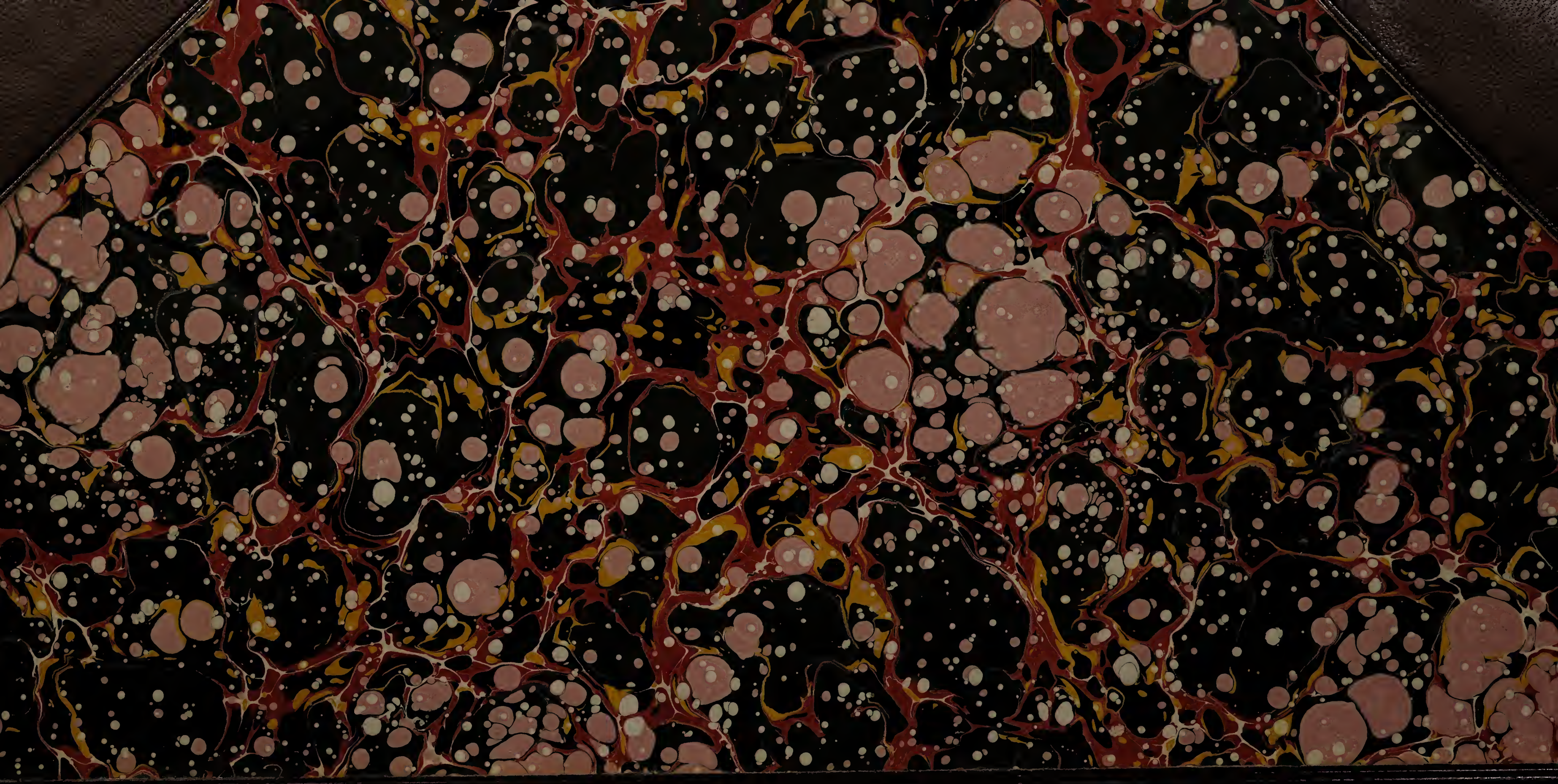

GREAT BRITAIN - Scotland

ANNO REGNI

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

TRICESIMO TERTIO.

At the Parliament begun and holden at *Weſtminſter*, the Twenty-fifth Day of *November Anno Domini* 1790, in the Thirty-firſt Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued, by ſeveral Prorogations, to the Thirteenth Day of *December* 1792; being the Third Seſſion of the Seventeenth Parliament of *Great Britain*.

LONDON:

Printed by CHARLES EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1793.

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ANNO TRICESIMO TERTIO

Georgii III. Regis.

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C A P. LXXXV.

An Act for ſupplying the Towns of *Plymouth Dock*, *Stoke Damarel*, *Stonehouſe*, and the Parts adjacent, in the County of *Devon*, with Water.

WHEREAS the Towns of Plymouth Dock, Stoke Damarel, Stonehouſe, and the Parts adjacent, in the County of Devon, which are very populous, are not properly ſupplied with freſh Water: And whereas it is of great Conſequence that the Inhabitants of the ſaid Towns of Plymouth Dock, Stoke Damarel, Stonehouſe, and of the Parts adjacent, and the Shipping reſorting thereto, ſhould have a conſtant Supply of freſh Water, which is practicable, and the ſeveral Preamble.

several Persons herein-after named are willing to undertake to procure, upon having proper Powers granted them for that Purpose: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Thomas Bryer of Lambeth in the County of Surrey Gentleman, Thomas Amies of Plymouth in the County of Devon Gentleman, Thomas Jones of the City of Exeter Gentleman, Thomas Gray of the said City of Exeter Gentleman, and Oliver Toulmin of the City of London Gentleman, together with such Person or Persons as shall be nominated and appointed by all of them, under their Hands, and the several and respective Successors, Executors, Administrators, and Assigns, of the said Persons hereinbefore named, and of the Person or Persons so to be nominated and appointed, are and shall be united into a Company, for supplying with Water the Inhabitants of Plymouth Dock, Stoke Damarel, Stonehouse, and of the Parts adjacent, and the Shipping resorting thereto; and shall for that Purpose be One Body Politick and Corporate, by the Name and Style of The Company of Proprietors of the Plymouth Dock Water Works; and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors shall and may have Power and Authority to purchase Lands to them and their Successors and Assigns, for the Purposes of this Act, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain: And the said Company of Proprietors shall be, and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make and complete a Cut, Leat, or Trench, not exceeding Ten Feet in Breadth over, in all or any Part thereof, from a certain Moor or Common in the Parish of Lidford, in the said County of Devon, called Dartmoor, in, through, and over the said Moor called Dartmoor, and in, through, and over certain Lands

The Proprietors.

in the ſeveral Pariſhes or Townſhips of Lidford aforeſaid, Walkhampton, Meavy, Buckland, Monachorum, Tamerton, Foliet, Egg, Buckland, Saint Budeaux alias Budock, Saint Pancras alias Penny Croſs, Stoke Damarel, and Stonehouſe aforeſaid, in the ſaid County of Devon, to the ſaid Towns of Plymouth Dock, Stoke Damarel, and Stonehouſe aforeſaid; and to ſupply the ſaid intended Cut, Leat, or Trench, whilſt making, and at all Times for ever after the ſame ſhall be made, with Water from a certain River or Stream called Black-a-Brook, otherwiſe Blake-a-Brooke, in the ſaid Pariſh of Lidford; and a certain other River, Stream, or Brook in the ſaid Pariſh of Lidford, called the Cowſick; and alſo from a certain other River, Stream, or Brook in the ſaid Pariſh of Lidford, called The Weſt Dart; and alſo from all ſuch Springs which ſhall be found in digging or making the ſaid intended Cut, Leat, or Trench: And the ſaid Company of Proprietors are hereby alſo authorized and empowered to cleanſe, ſcour, dig, open, deepen, and raiſe the Banks of any of the ſaid Rivers, Streams, or Brooks, which are to come into and ſupply the ſaid intended Cut, Leat, or Trench with Water, and to make ſuch proper Paſſages for Water in, upon, or through the Lands or Grounds adjoining or near the ſaid Rivers, Streams, or Brooks, for conveying the Water from the ſame into the ſaid Cut, Leat, or Trench, as the ſaid Company of Proprietors ſhall think fit; and for the Purpoſes aforeſaid, the ſaid Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever, ſituate, lying, and being between the ſaid ſeveral Rivers, Streams, and Brooks herein-before mentioned, and the ſaid Towns of Plymouth Dock, Stoke Damarel, and Stonehouſe, and to ſurvey and take Levels of the ſame, or any Part thereof, and to ſet out and aſcertain ſuch Parts thereof as they ſhall think neceſſary and proper for making the ſaid intended Cut, Leat, or Trench, and any Reſervoir or Reſervoirs, Feeders, and Aqueducts, and all ſuch other Works, Matters, and Conveniencies

as they shall think proper and necessary for making, effecting, preserving, improving, completing, cleansing, and maintaining the said intended Cut, Leat, or Trench, and other Works, and also from Time to Time to scour, cleanse, and maintain the said intended Cut, Leat, or Trench, and the Works thereof respectively; and also to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said intended Cut, Leat, or Trench, or other Works, or in making any Reservoir or Reservoirs, Feeders, or Aqueducts, or which may hinder, prevent, or obstruct the making, using, completing, or maintaining of such Reservoirs, Feeders, Aqueducts, or Watercourses, as aforesaid, as shall be necessary and proper to convey Water to or from the said intended Cut, Leat, or Trench, according to the Intent and Purpose of this Act; and also to make, maintain, repair, and alter any Fences, Passages, Bridges, or Arches over, under, or through the said intended Cut, Leat, or Trench, or the Reservoirs, Feeders, Aqueducts, or Watercourses respectively, which shall communicate therewith; and also to construct, erect, and keep in Repair any Bridges, Arches, Aqueducts, and other Works in, upon, and cross any Rivers, Highways, or Brooks, which the said Company of Proprietors shall think convenient and necessary; and also to erect and keep in Repair any Mounds or Walls in, upon, and across any such Lands or Grounds, where the said Company of Proprietors shall find necessary, for the conducting, making, effecting, extending, preserving, improving, and completing the said intended Cut, Leat, or Trench, and other Works in pursuance of, and according to the true Intent and Meaning of this Act, for the convenient and necessary conveying and bringing a sufficient Stream of fresh Water from the said several Rivers, Streams, and Brooks, or any or either of them, to the said Towns and the Places adjacent, for the Use of the said Inhabitants respectively, and the Shipping resorting thereto, and for the several other Purposes authorized by this Act; and also from Time to Time to

make Weirs and Banks, and other Reparations and Works, for the Amendment and Preservation thereof; and also to make any Reservoir or Reservoirs on any such Lands or Grounds sufficient for receiving and keeping the same; and to make any Cuts, and to sink and lay any Pipes and other Devices which they shall think necessary on or underneath such Lands and Grounds, for the Purpose of conveying the same; and also to place any Flood Hatches for the Purpose of carrying off the waste Water at such Places as the said Company of Proprietors shall find necessary; and from Time to Time to make, erect, construct, repair, and maintain all such Reservatories, Cisterns, Ponds, Basons, Main Pipes, Rider Pipes, Stand Pipes, Service Pipes, Branches of Lead, and other Metal Cocks, Chambers Cocks, Cocks in Common, Stop Cocks, Valves, Fire Plugs, Air Plugs, Fire Cocks, Boxes, Mains, Ferrils, Feeders, Tampins, Drains, Pumps, Sluices, and other Works, in such Manner and of such Structure as they shall think proper for that Purpose; and to enter upon, dig, break up, and remove the Soil, Posts, Kirbs, Bulk Heads, Bars, Sewers, Drains, Pavements, and Gravelled Ways of any of the Roads, Streets, Squares, Market Places, Lanes, Passages, Alleys, Yards, Courts, Foot Ways, Quays, Closes, Precincts, and Publick Places; and to enter into and make use of any private Lands or Grounds within the said Towns and Parts adjacent, and to dig and sink Trenches, and lay Pipes, and put Stop Cocks, Chambers Fire Cocks, Fire Plugs, and Branches from such Pipes, in such Places, and to widen common Passages for the laying and firing such Pipes; and also to lay any Pipe or Pipes across the Bridges called Stonehouse Bridge, and Stonehouse Mill Bridge, both at Stonehouse aforesaid; and all such other Matters and Things in such Places and in such Manner as they shall judge necessary for distributing and conveying such Water to the respective Houses, Offices, and other Tenements of the said Inhabitants of the said Towns, and the Parts adjacent, and for supplying the Shipping resorting thereto, and for

the

the several other Purposes hereafter mentioned; and from Time to Time, as Occasion may require, to alter the Position of, and to repair, relay, and maintain such Pipes, Stop Cocks, and Plugs, and Machinery, and do all such other Acts, Matters, and Things, as shall from Time to Time be necessary or proper for completing, amending, repairing, improving, and using the Works authorized by this Act to be done and provided for the Purposes aforesaid, according to the Intent and true Meaning thereof; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned, to the Owners or Proprietors of and all Persons interested in the Lands, Tenements, and Hereditaments respectively, which shall be taken or used, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors and their Deputies, Servants, Agents, and Workmen, and all other Persons whatsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are hereafter mentioned.

Houses, Gardens, &c. not to be injured.

II. Provided always, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Cut, Leat, or Trench, or any other of the Purposes aforesaid, any House, Bridge, or other Building which was erected or built on or before the First Day of October One thousand seven hundred and ninety-two, or any Land or Ground which on or before the said First Day of October One thousand seven hundred and ninety-two was set apart and used as or for a Yard, Park, Paddock, Planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, nor any House, Outhouse, Courtlege, or Backside, now

or

or hereafter to be built or made within the said Towns of Plymouth Dock or Stoke Damarel.

Company entitled to 10 Feet notwithstanding the Trench may be cut of a less Width.

III. Provided nevertheless, in case it shall happen that the said Company of Proprietors shall make or dig the said Cut, Leat, or Trench, of any less Breadth or Width than the said Breadth or Width of Ten Feet in all or any Part thereof, that notwithstanding the same, for the scouring, amending, maintaining, and keeping the Edges thereof in Repair, they shall be entitled to, and shall have and enjoy the said Space and Width of Ten Feet, (including the said Cut, Leat, or Trench), throughout the said several Lands and Grounds lying between the said Towns respectively, and the several Rivers or Streams and Brooks herein-before mentioned.

Satisfaction for Damages.

IV. And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, Executors, Administrators, and Assigns, shall and do make or tender Satisfaction to the Owners of, and Persons interested in, any Lands or Grounds which shall be taken or made use of, or damaged, by virtue or in Execution of any of the Powers aforesaid, for the Land or Ground so to be taken or used, or the Damage to be so done; and in case the Parties do not agree touching the Amount of such Satisfaction within the Space of Twenty Days after Application shall have been made for that Purpose by or on Behalf of the said Company of Proprietors, their Successors, Executors, Administrators, and Assigns, to the respective Owners and Persons interested as aforesaid; or in case such Owners and Persons interested in any such Lands and Hereditaments shall not be able to produce and evince a clear Title to the Premises they are in Possession of, or to the Interest they claim, to the Satisfaction of the said Company of Proprietors; then and in every such Case the same shall be inquired of and ascertained by a Jury at some General Quarter Session of the Peace for the County of Devon; and the Justices at such Session, or the Adjournment thereof, shall, and are hereby authorized and required, upon Application made to them for that Purpose

If Parties disagree, or in case of defective Title, Damages to be settled by a Jury.

by or on Behalf of the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, (Fourteen Days previous Notice of such Application being given to such respective Owners or Persons interested as aforesaid), by leaving such Notice at the Dwelling House of such Person or Persons, or at his, her, or their usual Place or Places of Abode, or with some Tenant or Occupier of some of the said Lands and Hereditaments intended to be valued and assessed, (in case such Party cannot otherwise be found out, to be conveniently served with such Notice), to charge a Jury to be impanelled and returned by the Sheriff of the said County, without Fee or Reward, consisting of Twenty-four substantial and disinterested Persons qualified to serve on Juries upon the Trial of Issues at Law, and to cause Twelve of them to be sworn, well and truly, upon their Oaths, to inquire into and ascertain the Value of the Land or Ground to be taken or used, or the Damage to be done to any private Land or Ground as aforesaid, to which Jury any of the Parties shall have their lawful Challenges, when they come to be sworn; and any Justice of the Peace for the said County is hereby impowered, upon Application made to him by any of the Parties interested, by Warrant under his Hand and Seal, to call before the Justices at such Session, or the Adjournment thereof, any Person or Persons who shall be thought proper to be examined touching the Premises; and the said Jury, upon their Oaths, which Oaths, and also the Oaths to be taken by the Persons who shall appear to be examined and give Evidence as aforesaid, any One of the said Justices is hereby impowered and required to administer, shall enquire into and ascertain and award the Value of the said Lands and Grounds (not exceeding Forty Years Purchase of the clear yearly Value thereof), or the Amount of the Damage which shall appear to them to have been done as aforesaid; and the said Justices shall thereupon give Judgement according to such Verdict of such Jury, which Verdict of the said Jury, and Judgement thereupon delivered and pronounced by the said Justices, shall be binding and conclusive to all Intents and Purposes

Challenges.

Verdict of Jury binding.

Purposes whatsoever, upon the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, and all and every Person and Persons, Bodies Politick and Corporate, claiming any Estate, Right, Title, Trust, Use, or Interest in, to, or out of the said Lands, Hereditaments, and Premises, or otherwise interested therein, either in Possession, Reversion, Remainder, or Expectancy, as well against the King's most Excellent Majesty, His Heirs and Successors, as against Infants and Issue unborn, Lunaticks, Ideots, and Femes Covert, and Persons under any other legal Incapacity or Disability, and all Trustees and Cestuique Trusts, his, her, and their Heirs, Successors, Executors, and Administrators, and against all other Persons whomsoever; and the said Verdicts and Judgements, and other Proceedings of the said Court and Juries, so to be made, given, and pronounced as aforesaid, shall be entered and kept amongst the Records of the Quarter Sessions of the said County, and the same, or true Copies thereof, being signed by the Clerk of the Peace for the said County, shall be deemed and taken as good Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have Recourse thereto, and may take Copies thereof, or Extracts therefrom, on paying the usual Fees paid in Cases of the like Nature: And immediately upon Payment, by the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, of the respective Sums of Money which shall be agreed upon or ascertained by a Jury, as the Value of any Land or Ground to be taken or made use of as aforesaid, to the respective Persons intitled thereto, or their Agents, and Entry of such Verdicts, Judgements, Orders, and Proceedings of the said Justices and Juries, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, both at Law and in Equity, of the Person or Persons to whom, or for whose Use, such Money shall be paid, of, in, to, and out of the said Lands, Hereditaments, and Premises, shall become and be absolutely vested in the said Company of Proprietors, and their Successors, Executors, Administrators, and Assigns, for

On Payment of Money, Premises to vest in the Company.

for ever, free from all Right, Interest, or Claim of any Person whomsoever, and they shall respectively be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person, having or claiming, or pretending to have, any Estate or Interest whatsoever in the Premises, had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery and Seisin, Fine, Recovery, or any other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Claim, and Demand of the Person or Persons to whose Use such Payment was made, but also shall extend to, and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail in Possession, Reversion, or Remainder, and the Issue or Issues of such Person or Persons, and every Person claiming under them, as effectually as a Fine or Recovery, or either of them, would do, if levied or suffered by the proper Parties in due Form of Law; and shall also extend to, and be deemed and construed to extend to bar the Right, Title, Interest, Use, Claim, and Demand whatsoever, in Possession, Reversion, Remainder, or Expectancy, of any other Person or Persons whomsoever, in, to, or out of such Lands and Hereditaments, and every Part thereof; and the said Company of Proprietors, and their Successors, Executors, Administrators and Assigns, and those claiming from, by, and under them, shall be quieted in the Possession thereof, any Law, Statute, Usage, Matter, or Thing whatsoever, to the contrary notwithstanding.

Bodies Politick, &c. empowered to sell and convey.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees, or Feoffees in Trust, Guardians and Committees for Lunaticks and Ideots, Executors, Administrators, and Guardians whomsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks,

Idiots, Femes Covert, or other Person or Persons whomsoever, and to and for all Femes Covert who are or shall be seised in their own Right, and to and for all and every Person and Persons whomsoever who are or shall be seised and possessed of or interested in any Lands or Hereditaments which shall be necessary to be purchased for the Purposes of this Act, to sell and convey all or any such Lands, Tenements, Hereditaments, Estates, and Interests, or any Part thereof, to the said Company of Proprietors; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be made by such Persons as aforesaid, shall be good and valid in Law, to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Idiots, Femes Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all such Persons so conveying as aforesaid shall be, and are hereby indemnified for what they shall do by virtue or in pursuance of this Act, notwithstanding any Omission or Mistake or Matter of Form whatsoever.

Money belonging to Corporations to be reinvested.

VI. And be it further enacted by the Authority aforesaid, That the Principal Money to arise from the Sale of any Lands, Hereditaments, or Premises, which shall be purchased for the Purposes of this Act, of any Body Corporate or Ecclesiastical, Corporation Aggregate or Sole, Feoffees in Trust, Guardians, Committees, or other Trustees, or from any Femes Covert or Feme Covert, or other incapacitated Person or Persons, shall be paid to such Persons as they shall respectively nominate to receive the same, in Trust, with all convenient Speed, to be reinvested in the Purchase of other Lands, Hereditaments, or Premises, which shall be conveyed and settled to and upon and subject to the like Uses, Trusts, Limitations, Remainders, and Contingencies,

as the Lands, Hereditaments, or Premises, which shall be purchased from them respectively by the said Company of Proprietors as aforesaid, were respectively settled, limited, or assured, at the Time of such the purchasing of the same, or so many thereof as, at the Time of making such Conveyances and Settlements, shall be existing, and capable of taking Effect.

Owners of Houses, &c. on Payment of Money awarded, to convey.

VII. And be it further enacted and declared by the Authority aforesaid, That upon Payment of such Sum or Sums of Money so to be awarded or adjudged, the Person or Persons to whom the same shall be so awarded for the Purchase of the said Lands or Hereditaments, or for the Purchase of any Estate or Interest therein, shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Assignments, and Assurances in the Law, to the said Company of Proprietors and their Successors, or to such Person or Persons as the said Company of Proprietors shall order, direct, or appoint, of the said Lands or Hereditaments, or of such Estate or Interest, for which such Sum or Sums of Money shall be so awarded, and shall procure all necessary Parties to execute such Conveyances, Assignments, and Assurances, and shall do all Acts, Matters, and Things necessary and requisite to make a good, clear, and perfect Title to the said Company of Proprietors, or the Person or Persons so by them in that Behalf to be appointed as aforesaid; and such Conveyances, Assignments, and Assurances shall contain all such reasonable and useful Covenants, as, on the Part of the said Company of Proprietors, or of the Person or Persons so by them in this Behalf to be appointed as aforesaid, shall be reasonably required; and in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid shall not be able to evince their Title to the Premises, or to make, or procure to be made, such good, valid, and legal Conveyances thereof as aforesaid, or shall refuse so to do, being thereto required, and such Sum or Sums of Money so assessed and awarded as aforesaid being tendered to be paid to him, her, or them, on his, her, or their making such Title, and executing, and procuring to be executed,

executed, such Conveyances, Assignments, or Assurances, as aforesaid; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found within the said County of Devon, or in case, by reason of Disputes depending in any Court of Law or Equity, or for Defect of Evidence, it shall not appear what Person or Persons is or are entitled to the Premises in question; then and in every such Case it shall and may be lawful to and for the said Justices to order the said Sum or Sums of Money so assessed or awarded as aforesaid, as and for the Value of the Purchase Money for the said Lands and Hereditaments, to be paid into the Bank of England, for the Use of the Parties interested in the said Premises, to be paid them and every of them, according to their respective Estates and Interests therein, at such Time as the said Justices shall order and direct; and the Cashier or Cashiers of the Bank of England, who shall receive such Sum and Sums, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what Premises and for whose Use the same is or are received, to such Person as shall pay any Sum or Sums into the Bank as aforesaid: Provided always, That it shall and may be lawful for the said Justices, after such Payments into the Bank, and Entry as aforesaid, upon the Petition of any Person or Persons in whom the legal Estate in Possession of such Lands, Tenements, or Hereditaments was vested at the Time of the said Payment into the Bank, to place out or invest, or cause to be placed out and invested, such Sum or Sums of Money, or any Part thereof, in some of the Publick Funds, or on Government Security at Interest, in the Names of the Chairman of the Court of Quarter Sessions, Clerk of the Peace, and Deputy Clerk of the Peace, for the said County of Devon, for the Time being, or any Two of them; and the same shall, as soon as conveniently may be after the Death or Removal of any of them, be, by the Survivor or Survivors of them, transferred into the Names of the Chairman of the Court of Quarter Sessions, Clerk of the Peace, and Deputy Clerk of the Peace, for the said County, for the

In case of Refusal or Inability to make a good Title, &c. the Purchase Money to be paid into the Bank.

In what Cases the Justices may order the Money so paid into the Bank to be placed at Interest.

Time being, or any Two of them, and so from Time to Time, as often as any One of them shall happen to die or be removed, in Trust to transfer and assign the same to such Person or Persons to whom the Premises shall belong, on their executing proper Conveyances thereof; and in the mean Time, in Trust to pay the Interest and Dividends arising therefrom, to such Person or Persons so in Possession of the said Premises as aforesaid.

The Dividends to be paid to the Persons in Possession;

but recoverable against them by those entitled to the Mesne Profits.

VIII. Provided always, and it is hereby further enacted, That all and every Person or Persons who would be entitled to recover the Mesne Profits of the Premises against the Person or Persons in Possession, in case the same had not been so conveyed to or vested in the said Company of Proprietors, shall be entitled to recover the Sum or Sums to arise from all Interests and Dividends as aforesaid, by Action of Debt or otherwise against the Person or Persons who shall receive the same; and the Governor and Company of the Bank of England are hereby authorized and required to obey such Order and Orders, from Time to Time, as shall be made by the said Justices for the Payment of such Sum or Sums of Money, or any Part thereof, in order to the same being invested in publick Securities as aforesaid: And the said Company of Proprietors, and their Successors, Executors, Administrators, and Assigns, shall be quieted in the Seisin and Possession of the Lands and Hereditaments for which such Money shall be so paid as aforesaid, and shall not be answerable or accountable, in any Court of Law or Equity, for the Money so deposited and placed out as aforesaid, pursuant to the true Intent and Meaning of this Act.

Persons so barred may recover the Purchase Money against the Persons to whom paid, together with Interest.

IX. Provided nevertheless, That any Person or Persons barred of any Right, Title, or Estate, Interest, Claim, or Demand whatsoever, in, to, or out of the said Lands or Hereditaments, by virtue of this Act, shall be at Liberty to bring any Action or Actions of Debt, for Money had and received to his or their Use, or take such other legal Remedy as he, she, or they shall think proper, against any Person or Persons, or the legal Representatives

tives of any Person or Persons, who received the Purchase Money arising from such Sale of the said Lands and Hereditaments, or Premises aforesaid; and that in every such Case the Plaintiff or Plaintiffs, on Proof of such Title as would have enabled them to recover the said Purchase Money, shall recover the same, or so much thereof as shall be equivalent to their Interest to the Mesne Profits of the Premises which they would have been entitled to recover in case this Act had not been made.

Expences of summoning the Jury.

X. And be it further enacted, That whenever a Jury shall be summoned, and a Verdict shall be given for more Money, or for a greater annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Waters, Hereditaments, or Premises of any Person or Persons whomsoever, or as a Compensation for any Damages done, or to be done, to such Lands or other Premises, than had been previously offered by or on Behalf of the said Company of Proprietors, before the summoning of the said Jury; or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Company of Proprietors; or where, by reason of any Impediment or Disability as aforesaid, there shall not be found any Person or Persons who may be legally capacitated to enter into Contract with, and make Conveyances to, or receive Compensations from the said Company of Proprietors, as hereinbefore mentioned; then, and in all such Cases, the Expences of summoning such Jury, and taking such Verdict, shall be settled by the said Court of Session, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum that had been previously offered by or on Behalf of the said Company of Proprietors, or in case no Damages shall be given by the Verdict, when the Dispute is for Damages only, or in case of such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensation from the said Company of Proprietors, by any Bodies Politick, Corporate, or Collegiate, or by any Person or

Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey, or receive such Compensation as aforesaid; then, and in all such Cases, (except where by reason of Absence, or otherwise, any Person shall have been prevented from treating and agreeing as aforesaid), the Costs and Expences of summoning such Jury and taking such Verdict shall be settled in like Manner by the said Court of Sessions, and be borne or paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes; which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged.

Bargains and Sales inrolled in pursuance of this Act to have the Operation of Fines and Recoveries.

XI. And be it further enacted by the Authority aforesaid, That all Bargains and Sales whatsoever, to be made and acknowledged by any Person or Persons whomsoever, and which shall be inrolled in the said Court of Quarter Sessions for the said County, or in any of his Majesty's Courts of Record at Westminster, of any such Lands and Hereditaments as shall be purchased by virtue of and for the Purposes of this Act, shall have the Force, Effect, and Operation in Law, to all Intents and Purposes, which any Fine or Fines, Recovery or Recoveries whatsoever, would have, if levied or suffered by the Bargainor or Bargainors, or any Person or Persons seised of any Estate in the Premises in Trust for or to the Use of such Bargainor or Bargainors in any legal Manner or Form whatsoever.

As little Damage to be done as may be; and no Mill be injured without Consent of the Owner.

XII. Provided always, That in the Exercise of any of the Powers aforesaid, as little Damage shall be done to any Ground or other Property as may be; and that the Workmen employed in laying or repairing any such Pipes shall fill in the Trenches and make good the Pavements and Roads, and carry away the Rubbish occasioned

occasioned thereby, as soon as conveniently may be, and in the mean Time guard the Places where any Ground shall be opened, in such Manner as to prevent Accidents to Passengers, Cattle, and Carriages; and that no Mill or Mills now standing or being on the said several Rivers and Brooks herein-before mentioned, or any of them, shall be impaired or injured, by diverting too great a Quantity of Water therefrom, without the Consent of the Owner or Owners thereof.

If any Streams are intersected by the Trench, Occupiers of the Grounds to be supplied by a Sluice.

XIII. Provided also, That in case the said Cut, Leat, or Trench, shall intersect any Streams of Water or Brooks in any of the Lands or Grounds through which the same shall pass, that then and in such Case the said Company of Proprietors shall, by means of a Pipe, Gate, Sluice, or Hatch, permit as much Water to flow from the said Cut, Leat, or Trench, into the said Streams or Brooks, for the Use of the Occupiers of such Lands or Grounds, as they shall receive and take from the said Streams and Brooks respectively, by reason of the same being so intersected by the said Cut, Leat, or Trench, in case so much Water shall be necessary for the Use of the Occupiers of such Lands or Grounds, and for their Cattle depasturing therein, otherwise so much Water only as shall be absolutely necessary for the Purposes aforesaid.

The *Plymouth* Leat not to be affected.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, or any other Person whatsoever, to divert or turn, or anywise to diminish, any Stream of fresh Water running and flowing from any Place whatsoever, into the Borough of Plymouth; or to hurt, injure, or prejudice the Mayor and Commonalty of the said Borough of Plymouth, or any other Person or Persons, in the Use, Occupation, or Enjoyment thereof; or to divert or turn any Water from and out of any River, Rivulet, Brook, or Spring, from which such Stream is supplied with Water, so as to diminish the Quantity of Water which the said Mayor and Commonalty, or any other Person

or

or Persons who are or may be entitled to the Use of such Streams, may at any Time want to take from such River, Rivulet, Brook, or Spring, and turn into such Stream, for the Supply thereof; or to divert or turn, or anywise to diminish any Water, or Spring or Springs of Water, usually flowing into and feeding any River, Rivulet, Brook, or Spring from which such Stream is supplied with Water, or in any Manner to prevent such Water or Spring or Springs of Water, or any Part thereof, from flowing into such River, Rivulet, Brook, or Spring; nor in anywise to interfere in the supplying of any Part of the said Borough of Plymouth with fresh Water, or any other Place or Places now supplied by the Mayor and Commonalty therewith.

The River *Plym* not to be affected.

XV. Provided also, and be it enacted, That it shall not be lawful for the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, or any Person employed by or acting under them, to take from, divert, turn, or in anywise to diminish the Water in the River Plym, or of any Stream, Brook, or Rivulet running into the same, or any Part thereof, for the Purpose of supplying the said Cut, Leat, or Trench with Water, or for any other Purpose whatsoever.

The Company empowered to pass the Lines, agreeable to the Consent of the Board of Ordnance.

XVI. And whereas the Master General and Principal Officers of His Majesty's Ordnance have consented and agreed that the said Company of Proprietors shall be at Liberty to lay Pipes, or construct an Arched Tunnel, and make a Reservoir for the Purposes of this Act, in and through the Lands herein-after mentioned; it is hereby further enacted, That it shall and may be lawful to and for the said Company of Proprietors to lay down Pipes, or construct an Arched Tunnel, in and through such Parts of certain Lands heretofore purchased for the Use of His Majesty's Fortifications at Plymouth Dock aforesaid, which lie on the Outside of the Lines there, as the Master General or Principal Officers of the Ordnance for the Time being shall direct or appoint, (such Pipes, or the Crown of the Arch of the said Tunnels, being laid One Foot at the least below the present Level of such Land or Ground), and also to place and lay down a Leaden

Pipe,

Pipe, of such Bore as the said Company of Proprietors shall find necessary, under the Corner of a certain Bastion, called The Granby Bastion, and also to lay down such other Pipes for conveying the Water in one Line from the said Corner of the said Bastion, to the Head of a certain Street, called Fore Street, as may be necessary for conducting and bringing the said Water into the said Town of Plymouth Dock, for the Supply of the Inhabitants thereof, and for the other Purposes authorized by this Act, (such last-mentioned Pipes, in the Parts where the same shall traverse the Fosse or Ditch, being laid Three Feet at the least below the Bed of the said Fosse); and also that it shall and may be lawful to and for the said Company of Proprietors, to construct and make a suitable Reservoir, at such convenient Place within the said Lines as the said Master General or Principal Officers of the Ordnance for the Time being shall direct or appoint; and also, from Time to Time as Occasion may require, to take up, repair, relay, and maintain such Pipes or Arched Tunnel and Reservoir respectively.

The Principal Officers and Commissioners of the Board of Ordnance to be supplied by the Company with the Water after mentioned.

XVII. And whereas the said Master General and Principal Officers of His Majesty's Ordnance are desirous that the several Departments of the Office of Ordnance at Plymouth Dock aforesaid should be supplied with Water in Manner herein-after mentioned; it is hereby further enacted, That the said Company of Proprietors shall regularly supply the several Departments of the said Office of Ordnance at Plymouth Dock aforesaid with the Quantity of wholesome Water herein-after mentioned; that is to say, The Governor's House and Offices within the said Lines shall be supplied with Water from such Reservoir, by a Pipe of Two Inches Bore; the Troops quartered in each Square of the Barracks now standing within such Lines shall be supplied with Water from such Reservoir, by a Pipe of One Inch Bore to each Square of such Barracks; the Gun Wharf shall be supplied with Water from such Reservoir by a Pipe of Three Inches Bore, to be brought to such Part of the said Gun Wharf as the Master General or Principal Officers of the Ordnance for the Time being shall direct or appoint;

and the New Powder Magazine at Keyham Point shall be supplied with Water from such Reservoir by a Pipe of One Inch Bore at the least, or by such larger Pipe, (not exceeding Two Inches in Bore) as may be found necessary, (inevitable Accidents by the breaking of Pipes, Inclemency of the Weather, or during the Times of necessary Repairs, only excepted); in consideration of which said several Supplies of Water, the Principal Officers of his Majesty's Ordnance for the Time being shall yearly and every Year, so long as such Supplies shall be duly made according to the Directions of this Act, by and out of the Treasury of the said Office, well and truly pay, or cause to be paid, unto the said Company of Proprietors, the clear yearly Sum of Two hundred Pounds, the same to be paid by Four equal quarterly Payments in each and every Year, the First of such quarterly Payments to commence on and be computed from the Day whereon the said Company of Proprietors shall have conducted and brought such Water into the said Reservoir, and have laid on the same to the several Places and in Manner herein-before directed.

The Water supplied for the Ordnance not to be appropriated to any other Uses.

XVIII. And be it further enacted by the Authority aforesaid, That the Water herein-before directed to be supplied for the Use of the said several Departments of his Majesty's Ordnance at Plymouth Dock aforesaid shall not be applied or disposed of for any other Use or Purpose whatsoever, but that so much of the Water herein-before directed to be conveyed to such Departments respectively, as shall not be necessarily expended in or for the Use of such Departments, shall revert and belong to the said Company of Proprietors; and that if any Soldier, Artificer, Workman, or other Person belonging to or employed in any such Departments, or any other Person or Persons whomsoever, shall collusively or colourably supply the Inhabitants of the said Town of Plymouth Dock, or of the Parts adjacent, with any Part of such Water, then and in every such Case the Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors a Sum of Money, not exceeding Twenty Shillings nor less than Ten Shillings, to be

recovered

recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Encampments to be supplied.

XIX. Provided also, and be it further enacted by the Authority aforesaid, That whenever His Majesty's Troops or Militia shall be encamped within the said Lines, or in Parts adjacent without the said Lines, it shall and may be lawful to and for the Master General or Principal Officers of the Ordnance for the Time being, during such Encampment as aforesaid, to supply the said Troops or Militia, and the Followers of such Camp, with so much of the said Water as may be necessary or proper for their Use and Consumption, and for that Purpose to lay any additional Pipe or Pipes to or from the said Reservoir, or to or from any Main Pipe or other Pipe or Pipes which, in pursuance of this Act, shall be then laid within the said Lines, without any Compensation whatsoever to be made or given to the said Company of Proprietors, or otherwise, in respect of such occasional Supply of Water or the laying down of such Pipes as lastly above-mentioned, any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

In case the Commissioners of the Navy think fit, the Dock Yard, &c. to be supplied with Water.

XX. And be it further enacted by the Authority aforesaid, That if the Principal Officers and Commissioners of His Majesty's Navy for the Time being, shall at any Time hereafter deem it expedient that His Majesty's Dock Yard at the Town of Plymouth Dock, the Royal Hospital and the Marine Barracks at Stonehouse, and the Ships and Vessels belonging to His Majesty, or employed or to be employed in His Majesty's Service, should be supplied with Water by the said Company of Proprietors; then and in such Case, upon Notice or Signification thereof in Writing being given by the said Principal Officers and Commissioners, or any Three or more of them, to the said Company of Proprietors for the Time being, or any One or more of them, they the said Company of Proprietors, or their Successors, shall, and they are hereby required, at their own proper Costs and Charges, forthwith, and as soon as may be after Receipt of such Notice, to convey from the Reservoir or Reservoirs intended to be made by them under the Authority of this

Act, by a Pipe of Six Inches Diameter in the Bore, a Supply of pure, wholesome, fresh Water, unto such Place on the Outside of the said Dock Yard as the said Principal Officers and Commissioners for the Time being shall for that Purpose nominate and appoint; and that the Officers of the different Departments of the Admiralty, Navy, and Victualling shall then be at Liberty, at the proper Costs and Charges of His Majesty, His Heirs and Successors, to construct such Reservoir for the Reception of the Water conveyed in such Pipe, and also to lay down such Communication Pipes, and to apportion and distribute such Water among their different Departments, in such Manner as they shall think fit; and also that the said Company of Proprietors, or their Successors, shall, at their like Costs and Charges, convey, by another Pipe of One Inch and a Half Diameter in the Bore, a Supply of Water from the said Reservoir or Reservoirs, unto and for the Use of the said Royal Hospital; and also shall, at their like Costs and Charges, convey, by another Pipe or Pipes of Three Inches Diameter in the Bore, a Supply of Water from the said Reservoir or Reservoirs, unto and for the Use of the Marine Barracks at Stonehouse aforesaid, and from thence a further Supply unto such Place on the South Side of Mill Pool, or North-east of the Long Room, for the Use of the Ships in the Sound or Harbour, at all Times of the Tide, and at all Seasons of the Year, as the said Principal Officers and Commissioners, or the Commissioners for Victualling His Majesty's Navy for the Time being, shall deem most convenient for that Purpose; the said several Pipes to be so placed or laid down as to be and constantly continue Six Inches at the least under the Level or Surface of the Water in the said Reservoir or Reservoirs, and not to have any Rider Pipes, or other Pipe or Pipes, attached to or laid on to them, or to be subject, from any Cause whatsoever, to fail in issuing and delivering at the Four several Places before-mentioned, constant Currents of the said Water to the full Diameters of the Bores of the said Pipes, (inevitable Accidents by breaking of Pipes, Inclemency of Weather, or during the necessary Repair

Repair of such Pipes respectively, only excepted;) and that the said Pipes shall be of the best Quality, and subject to the Inspection and Approbation of a Surveyor to be appointed in that Behalf by the said Principal Officers and Commissioners of the Navy; and shall also from thenceforth be kept in Repair, renewed, and replaced, from Time to Time as often as Need shall require, at the like Costs and Charges of the said Company of Proprietors, or their Successors, and subject to such Inspection and Approbation as aforesaid; in consideration whereof, the said Company of Proprietors, or their Successors, shall be intitled to, and have and receive a Net Annual Rent or Sum of Five hundred Pounds, free and clear of any Deduction, payable quarterly by Navy Bills, called Ready-money Bills, to be drawn upon the Treasurer of his Majesty's Navy for the Time being, and to commence on the Day on which it shall be certified to the said Principal Officers and Commissioners by the Surveyor to be appointed by them as aforesaid, that the said several Pipes have been laid down and completed to the Four several Places before mentioned, and that the Water shall have been constantly running for the Space of Seven Days to the full Diameter of the Bore of each Pipe.

XXI. Provided always, and be it further enacted by the Authority aforesaid, That when and as often as any of the said Pipes herein-before required to be laid down by the said Company, shall from any Cause whatsoever want Repair, or be so far damaged or decayed as to require new ones in their stead, and the said Company of Proprietors, or their Successors, shall not, in the Opinion of the said Principal Officers and Commissioners of the Navy for the Time being, cause such Repairs or new Work to be done with all the Dispatch that may be, and to the Approbation of such Surveyor as aforesaid, or if it shall be made appear to the said Principal Officers and Commissioners that the said Pipes, or any of them, have failed to issue and deliver Supplies of the said Water to the Extent herein-before stipulated and mentioned, it shall and may be lawful to and for the said Repairs of Pipes.

Principal Officers and Commissioners, from Time to Time, in any of the said Cases, and as often as the same shall happen, to muster the said Company of Proprietors and their Successors, and make such Deduction (by Way of Penalty) out of the said Annual Rent or Sum of Five hundred Pounds as they shall judge fit; and that it shall also be lawful for the said Principal Officers and Commissioners to cause such Repairs or new Work to be done, and to deduct and retain the Amount thereof, in like Manner, out of the said Annual Rent; any Thing herein contained to the contrary thereof in anywise notwithstanding.

The Water supplied for the Hospital and Barracks not to be appropriated to any other Purpose.

XXII. Provided always, and be it further enacted by the Authority aforesaid, That the Water so to be supplied for the Use of the said Royal Hospital and of the said Marine Barracks respectively, shall not be applied or disposed of for any other Uses or Purposes whatsoever, and that the Surplus or waste Water, after supplying every Want of the said Hospital and Barracks respectively, shall revert and belong to the said Company of Proprietors and their Successors.

Power for the Commissioners of the Pavement of *Plymouth Dock* to treat with the Company for Water for the Poor.

XXIII. And be it further enacted, That it shall and may be lawful to and for the Commissioners appointed or to be appointed by virtue and in pursuance of an Act of Parliament made and passed in the Twenty-first Year of his present Majesty's Reign, (intituled, An Act for the better maintaining and regulating of the Poor within the Town of *Plymouth Dock*, and Parish of *Stoke Damarel*, in the County of *Devon*, and for paving, cleansing, and watching the Streets, Lanes, and Passages, and removing and preventing Encroachments, Nuisances, and Annoyances, and regulating the Drivers of Coaches, Chaises, and Carts, and also Chairmen and Porters within the said Town), to treat and agree, and they are hereby authorized and empowered to treat and agree, with the said Company of Proprietors and their Successors for supplying the Poor within the said Town of Plymouth Dock with fresh Water, upon such Terms and Conditions, and to pay the said Company and their Successors such Consideration for the same as shall be hereafter mutually agreed upon

upon between the said Commissioners and the said Company of Proprietors and their Successors, touching and concerning the same respectively.

A certain Agreement entered into between the Company and Mr. *Hall* confirmed.

XXIV. And whereas the said Company of Proprietors, the better to enable them to effect the Purposes aforesaid, have entered into and executed a certain Agreement with Humphry Hall of Manadon in the said County of Devon Esquire, for the Purposes therein mentioned, which it is expedient should be confirmed: Be it therefore enacted, That certain Articles of Agreement, bearing Date the Thirtieth Day of January One thousand seven hundred and ninety-three, and made between the said Company of Proprietors of the one Part, and the said Humphry Hall of the other Part; and every Article, Clause, Agreement, Matter and Thing therein contained shall be, and the same are hereby respectively ratified, confirmed, and established, any Thing herein contained to the contrary in anywise notwithstanding.

Inhabitants of *Plymouth Dock* may make Pipes to communicate with the Company's Pipes.

XXV. And be it further enacted, That such of the Inhabitants of the said Town of Plymouth Dock as shall be desirous of having the Water laid into their Houses or Offices may and are hereby authorized and empowered, at their own Expence, (having first obtained the Consent in Writing under the Hand of such Person as shall be authorized by the said Company of Proprietors, under their Common Seal, to give such Consent), to open the Ground between the Company's Pipes and the respective Houses, Brewhouses, or Offices of such Inhabitants, and to lay Leaden Pipes (the Bore thereof to be ascertained by the said Company) from such respective Houses, Brewhouses, or Offices, to communicate with the said Company's Pipes, in any Road, Street, Lane, Passage, or Place within the said Town of Plymouth Dock, such respective Inhabitants of the said Town of Plymouth Dock paying to the said Company yearly, quarterly, or monthly, such Sum or Sums of Money for such Water, precisely at and after the same Rate and in the same Proportion as the Inhabitants of the Town of Plymouth in the said County now pay for the Supply of Water for their respective Houses and Offices

in

in the said Town of Plymouth; or on such Terms as may or shall be hereafter mutually agreed upon by and between the said Company of Proprietors, their Successors, Executors, Administrators, and Assigns, and the Inhabitants of the said Town of Plymouth Dock: And in case of Default in Payment of any such Sum or Sums of Money so to be paid as aforesaid, it shall be lawful for the said Company to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with any Main Pipe or Pipes belonging to the said Company, to be separated from the Pipe or Pipes with which the same shall so communicate, and to cause the Water to be stopped from issuing or running into the House or Offices of every Person making such Default; and that the Sum or Sums of Money which shall be due and in arrear from such Person or Persons to the said Company of Proprietors, and their Successors, shall and may be recovered in like Manner as the Penalties or Forfeitures imposed by this Act, and which do not exceed the Sum of Five Pounds, are herein-after directed to be recovered: And if any Person shall lay, or cause to be laid, any Leaden or other Pipe to communicate with any Main Pipe or other Pipe belonging to the said Company of Proprietors, without such Consent being obtained as aforesaid, every such Person shall forfeit and pay to the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, the Sum of Ten Shillings for every Day such Pipe shall so remain: Provided always, That such Inhabitants of the Town of Plymouth Dock, Parish of Stoke, and Town of Stonehouse, as shall have laid Leaden Pipes as aforesaid, shall be at Liberty to remove and take away the same Pipes, and the Cocks to the same Pipes belonging.

Proportional Prices of Water at *Plymouth* and *Plymouth Dock*.

XXVI. Provided always, and be it further enacted, That if, at any Time or Times hereafter, the Inhabitants of the said Town of Plymouth shall pay an increased Sum or Sums of Money for their Supply of Water, that then and in such Case the Payments from the Inhabitants of the said Town of Plymouth Dock to

the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, for their Supply of Water, shall increase precisely in the same Proportion as at the said Town of Plymouth; and that no Houses not tenanted or occupied shall be liable to the Payment of the said Rate.

The Company to supply the Inhabitants of *Plymouth Dock* with Water.

XXVII. Provided also, and be it further enacted, That in Consideration of the Inhabitants of the said Town of Plymouth Dock being supplied with Water by the said Company of Proprietors upon the Terms herein-before mentioned, that the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, shall have the exclusive Right of supplying, by the Means of an Aqueduct, or any other Means herein stated, the Inhabitants of the said Town of Plymouth Dock with Water.

Inhabitants of the Parts adjacent may make Pipes to communicate with the Company's Pipes.

XXVIII. And be it further enacted, That such of the Inhabitants of the said Towns of Stoke Damarel, Stonehouse, and the said Parts adjacent, as shall be desirous of having the Water laid into their Houses or Offices may and are hereby authorised and impowered, at their own Expence, having first obtained the Consent in Writing under the Hand of such Person as shall be authorized by the said Company of Proprietors, under their Common Seal, to give such Consent, to open the Ground between the Company's Pipes and the respective Houses, Brewhouses, or Offices of such Inhabitants, and to lay Leaden Pipes (the Bore thereof to be ascertained by the Company) from such respective Houses, Brewhouses, or Offices, to communicate with the said Company's Pipes, in any Road, Street, Lane, Passage, or Place, within such Towns of Stoke Damarel, Stonehouse, and the said Parts adjacent, such respective Inhabitants thereof paying to the said Company yearly, quarterly, or monthly, such Sum or Sums of Money for such Water, as shall be ascertained and agreed upon between such Inhabitants of such Towns and Parts adjacent and the said Company of Proprietors; and in case of Default in Payment of any such Sum or Sums of Money so to be ascertained and agreed to be paid as aforesaid, it

shall be lawful for the said Company to cause the Pipe or Pipes belonging to the Person or Persons making such Default, and communicating with any Main Pipe or Pipes belonging to the said Company, to be separated from the Pipe or Pipes with which the same shall so communicate, and to cause the Water to be stopped from issuing or running into the House or Offices of every Person making such Default; and that the Sum and Sums of Money which shall be due and in Arrear from such Person or Persons to the said Company of Proprietors and their Successors, shall and may be recovered in like Manner as the Penalties or Forfeitures imposed by this Act (and which do not exceed the Sum of Five Pounds) are herein-after directed to be recovered; and if any Person shall lay, or cause to be laid, any Leaden or other Pipe to communicate with any Main Pipe or other Pipe belonging to the said Company of Proprietors, without such Consent being obtained as aforesaid, every such Person shall forfeit and pay to the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, the Sum of Ten Shillings for every Day such Pipe shall so remain.

Penalty of laying Pipes, &c. without the Consent of the Company.

Penalty on Persons interrupting the Workmen.

XXIX. And be it further enacted, That if any Person shall wilfully or maliciously hinder or interrupt the said Company of Proprietors, or their Deputies, Agents, Workmen, or Servants, or any of them, in doing or performing any of the Works, or in the Exercise of any of the Powers and Authorities by this Act granted, or shall in anywise cause or procure the same to be done, every Person so offending, for every such Offence shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Ten Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption; such Damage to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered.

Penalty on Persons injuring the Works.

XXX. And be it further enacted, That if any Person shall wilfully and maliciously, and to the Prejudice of the said Cut, Leat, or Trench, or the Works thereof, break, throw down, damage, or destroy any Banks or other

Works

Works to be erected and made by virtue of this Act, or destroy, damage, or injure any Engine, Water-house, Reservoir, Pipe, Plug, or other Matter or Thing which shall be made, provided, or procured for the Purposes of this Cut, or any of the Materials used or provided for the same, every such Person shall be deemed guilty of a Misdemeanor.

Penalty on annoying the Water.

XXXI. And, in order to preserve the Water to be conveyed into the said Towns and Parts adjacent clean and wholesome, be it further enacted, That no Person shall bathe in any Part of the said Leat, Cut, or Trench, or Stream of Water, or in any of the said Reservoirs or Ponds, or wash any Dogs or other Animals therein; or shall cast, throw, or put any Dog or Cat, or any Filth, Dirt, or any noisome or offensive Thing; or wash or cleanse any Cloth, or any Wool, Leather, or any noisome or offensive Thing therein, or in any of the said Reservoirs or Ponds; or cause, permit, or suffer the Water of any Sink, Sewer, or Drain, to run or be conveyed into the same, or into any of the said Reservoirs or Ponds; or cause any other Annoyance to be done to the said Water thereof, or wash or cleanse the Skins of any Sheep, Lambs, or other Animals therein; upon Pain of forfeiting to the said Company of Proprietors for every such Offence any Sum not exceeding Five Pounds.

Ground where broke up for laying or repairing Pipes to be made good as soon as may be.

XXXII. Provided always, and be it further enacted, That the respective Persons who shall open or break up, or cause to be opened or broken up, any Ground for laying, taking up, or repairing any Pipe by virtue of this Act, shall and are hereby required to cause the Trenches to be filled in, and the Pavement or Ground made good, and the Rubbish occasioned thereby to be carried away, as soon as conveniently may be; and in the mean Time shall cause the Place where the Ground shall be opened or broken up as aforesaid, to be fenced or guarded so as that the same may not be dangerous to Passengers, upon Pain of forfeiting for every Neglect, to the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, the Sum of Twenty Shillings.

XXXIII. And

Undertaking vested equally in the Proprietors.

XXXIII. And be it further enacted, That the Property of and in the said Undertaking, and the Profits arising therefrom, (after deducting the Money laid out in obtaining and passing this Act, and of making the different Surveys and Plans of the said Cut, Leat, or Trench, and of the Lands and Grounds through which the same is intended to be carried as aforesaid, and all other incidental Costs, Charges, and Expences whatsoever, touching or concerning the same, in anywise howsoever, which shall be respectively borne, paid, and defrayed by the said Company of Proprietors, or their Successors, within the Space of Three Calendar Months next after the passing this Act), shall be and are hereby vested in the said Company of Proprietors; and they shall severally and respectively be entitled thereto, in equal Shares and Proportions, without any Benefit of Survivorship; and shall also bear, pay, and defray all such Sum and Sums of Money as shall be necessary for carrying on and completing the said Undertaking, in equal Shares and Proportions, and shall pay and advance the same within the Space of Six Calendar Months next after the passing this Act, to such Person or Persons as the said Company of Proprietors shall direct and appoint; and if any Person shall neglect or refuse to advance and pay his proportionable Part or Share of the same accordingly, (a legal Demand being thereof made by such Person as the said Company of Proprietors shall by any Writing under their Hands and Seals appoint for that Purpose), every Person so neglecting or refusing shall forfeit and pay a Sum of Money equal to the Rate of Six Pounds per Centum of the Money in respect whereof such Neglect or Refusal shall happen; and in case any such Person shall neglect to pay his proportionable Part or Share of the same for the Space of Twelve Calendar Months next after the passing of this Act, (a legal Demand being made of such Part or Share by such Person as the said Company of Proprietors shall, by any Writing under their Hands and Seals, appoint for that Purpose), then such Person shall forfeit all his Share, Part and Interest in the said Undertaking, and the Profit and Benefit thereof, and

the same shall go and belong to the Rest of the said Company of Proprietors, and be equally divided amongst them in Proportion to their respective Interests in the said Undertaking: Provided always, That no Advantage shall be taken of the Forfeiture of any Share, Part, or Interest in the said Undertaking, unless the same shall, within Six Calendar Months next after such Forfeiture shall have happened, be, by Writing under the Hands and Seals of the said Company of Proprietors, declared to be forfeited; and every such Forfeiture shall be an Indemnification and Discharge to and for every such Proprietor so forfeiting, against all Actions, Suits, and Prosecutions for any Breach of Contract, Penalty, or other Agreement between him and the Rest of the Proprietors relative to such Share.

Not to be subject to Sewers, or Rates or Taxes.

XXXIV. And be it further enacted, That the said Cut, Leat, or Trench, or any of the Reservoirs or Works whatsoever, to be made by virtue of this Act, shall not be subject to the Judgement, Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers whatsoever; nor shall the said Company of Proprietors and their Successors be rated or contributory to any Tax assessed or to be assessed upon Land, by Authority of Parliament, nor to any other Parliamentary or Parochial Rates or Assessments whatsoever, or be liable or subject thereto, for or in respect of the said Undertaking or Concern, or the Lands to be purchased by them for the Purposes of this Act, or the Rates or Sums of Money to be received by them under and by virtue thereof, from the respective Departments of Government herein-before mentioned, or from any Person or Persons that shall be supplied with Water in pursuance of this Act.

The Rights of His Royal Highness the Prince of *Wales* within the Forest of *Dartmoor* not to be affected.

XXXV. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Rights or Interests of His Royal Highness George Augustus Frederick Prince of Wales, with regard to the Mines and Minerals lying and being within or under the Forest of Dartmoor aforesaid, or in any other Respect whatsoever; but all such Mines and Minerals lying

and being within or under the said Forest or Wood, are hereby reserved to His Royal Highness the Prince of Wales, His Heirs and Successors; and it shall be lawful for him and them, and his and their Lessees, to work, get, drain, take, and carry away to his and their own Use such Mines and Generals; and that it shall and may be lawful for His said Royal Highness the Prince of Wales, and for all Adventurers under him, at all Times to have free Liberty to use the Water in the said Cut, Leat, or Trench, for the Purposes of Mining, so that the said Cut, Leat, or Trench, or the Works thereof, be not thereby injured or prejudiced.

Manerial Rights respecting Mines not to be affected.

XXXVI. Provided always, and be it further enacted, That nothing herein contained shall in any Respect extend to prejudice or affect the Manerial Rights or Interests of any Person or Persons whatsoever with regard to the Mines and Minerals lying and being within his, her, or their Lands, through which the said intended Cut, Leat, or Trench shall or may pass.

Inhabitants supplied with Water under this Act not to supply any other Persons with Water.

XXXVII. Provided always, and be it further enacted, That if any Inhabitants of the said Towns of Plymouth Dock, Stoke Damarel, Stonehouse, or Parts adjacent, or any other Person or Persons whomsoever, supplied with Water by virtue of this Act, shall supply any other Inhabitant thereof, or any other Person whomsoever, with any Part of such Water; that in every such Case every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty or Forfeiture can or may by virtue of this Act be recovered; and it shall also be lawful for the said Company of Proprietors, if they shall so think fit, also to take off the Water from the House or Office of any Person so offending, for every such Offence.

For supplying Inhabitants whose Pipes are broke.

XXXVIII. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend to subject any Person or Persons whomsoever, supplied with Water by virtue of this Act, to any Penalty or Forfeiture for supplying any other Person or Persons (also supplied with Water by virtue of this Act) with any

Quantity

Quantity of such Water, during such Time that the Pipes or Cocks of such last mentioned Persons shall or may happen to be out of Repair, such Pipes or Cocks nevertheless being repaired as soon as possible after any Damage shall happen thereto.

All Questions to be determined by the Majority in Value.

XXXIX. And be it further enacted, That all Questions arising on the carrying on the said Undertaking, or which may arise at any Time hereafter in or about the same, or in anywise relating thereto, shall be determined by the Majority of the said Company of Proprietors, their Successors, Executors, Administrators, or Assigns, in point of Value and not in Number; and that any such Proprietor or Proprietors may give his or their Vote or Votes upon any Question, either in Person or by his or their Proxy or Proxies appointed in Writing under his or their Hand and Seal, or Hands and Seals; and such Vote by Proxy shall be as effectual to all Intents and Purposes as if the Principal or Principals had voted in Person; and whatever Question shall be then proposed, discussed, or considered, shall be finally determined by the Majority of Voters and Proxies in point of Value then present.

Recovery of Forfeitures and Penalties.

XL. And be it further enacted, That all Penalties or Forfeitures by this Act imposed, which shall exceed the Sum of Five Pounds, shall and may be recovered by Action, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoin, Privilege, Protection, Wager of Law, or more than One Imparlance, shall be granted or allowed; and that all Penalties or Forfeitures by this Act imposed, which shall amount unto and not exceed the Sum of Five Pounds, shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the Person or Persons liable to pay the same, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place where such Person or Persons shall be or reside; which Warrant every such Justice is hereby empowered and required to grant upon the Information or Testimony of any credible Witness upon Oath, which

Oath

Oath every such Justice is hereby empowered and required to administer; and the Overplus, if any, of the Money arising by such Distress and Sale, shall be rendered upon Demand to the Owner or Owners of such Goods and Chattels, after deducting thereout the Charges and Expences of such Distress and Sale; and in case sufficient Distress cannot be found, or such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for any such Justice to cause the Person or Persons liable to the Payment of such Penalty or Forfeiture to be committed to the Common Gaol, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the same, be sooner paid and satisfied.

Form of Conviction.

XLI. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form; videlicet,

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* one of His Majesty's Justices of the Peace for the County of *Devon*, [*specifying the Offence or Omission, and the Time and Place when and where committed, as the Case may be.*] Given under my Hand and Seal, the Day and Year first above written.

Appeal.

XLII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Thing done in pursuance of this Act, every such Person may, within Three Calendar Months after the doing thereof, (first giving Six Days Notice of such Intention to appeal to the Person or Persons against whom such Appeal is intended to be made,) appeal to the Justices of the Peace at the General Quarter Sessions to be holden in and for the County of Devon;

von; and the said Justices, in their said Quarter Sessions, shall, in a summary Way, either hear and determine the said Complaint, or if they think proper may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said County, and then hear and determine the same, and if they see Cause may mitigate any Forfeiture in such Manner as they shall think proper, and award such Costs to either of the Parties as they shall judge reasonable, and their Determination therein shall be final and conclusive.

Distress not unlawful for Want of Form.

XLIII. And be it further enacted by the Authority aforesaid, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by any such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case.

Plaintiff not to recover if Amends tendered.

XLIV. Provided always, That no Plaintiff or Plaintiffs shall recover in any Action for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit; whereupon such Proceedings or Order and Judgement shall be had, made, or given, in and by such Court, as in other Actions where the said Defendant is allowed to pay Money into Court.

Orders of Justices not to be quashed for Want of Form, nor removeable by *Certiorari*.

XLV. And it is hereby also enacted, That no Order which shall be made by any Justice or Justices by virtue of or under this Act, or any other Proceedings to be had

touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at Westminster.

Limitation of Actions.

XLVI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Premises, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid or brought in the County of Devon, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants have for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

The Undertaking to be completed in Seven Years.

XLVII. Provided always, and be it further enacted, That in case the said Company of Proprietors shall not have conducted and brought the said Stream of Water to the said Town of Plymouth Dock, within the Space of Seven Years next after the passing of this Act, then this Act, and the several Powers and Authorities hereby created, shall be void and of none Effect.

Publick Act.

XLVIII. And be it further enacted, That this Act shall be allowed in all Courts whatsoever as a Publick Act; and all Justices and other Persons are hereby required to take Notice thereof as such, without specially pleading the same.

FINIS.